

LOCAL RULE COVERSHEET

County: WELLS

Courts Included: WELLS CIRCUIT AND SUPERIOR COURTS

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Are the attached rules:

X A prior rule revision

Do any of the rules contained in this packet:

X Makes a change to local rule for court reporters pursuant to Admin. R. 15

(Changes per page fee from \$3.50 per page to \$4.00 per page.)

PROPOSED AMENDMENT TO LOCAL RULE

LR90-AR15-1

Pursuant to Rule 15 of the Administrative Rules of the Indiana Supreme Court, the Wells Circuit and Superior Courts do hereby adopt the following joint local rule:

A copy of this rule shall be certified to the Indiana Supreme Court and Court of Appeals. Copies of this rule shall be located in the Clerk's Office, the office of each court and on each court bench. A copy of this rule shall also be filed with the Division of State Court Administration.

Section One. Definitions. The following definitions shall apply under this rule:

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; e.g. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

- (10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Wells County.
- (11) County indigent transcript means a transcript that is paid for from county funds and is for use on behalf of a litigant who has been declared indigent by a court.
- (12) State indigent transcript means a transcript that is paid for from state funds and is for use on behalf of a litigant who has been declared indigent by a court.
- (13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours and overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~Three~~ Four Dollars ~~and fifty cents (\$3.50)~~ (\$4.00); the maximum per page fee a court reporter may charge for a copy of a county indigent transcript shall be Twenty-five Cents (\$0.25); the court reporter shall submit a claim directed to the county for the preparation or copying of any county indigent transcripts.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~Three~~ Four Dollars ~~and fifty cents (\$3.50)~~ (\$4.00); the maximum per page fee a court reporter may charge for a copy of a state indigent transcript shall be One Dollar (\$1.00).
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~Three~~ Four Dollars ~~(and fifty cents \$3.50)~~ (\$4.00); the maximum per page fee a court reporter may charge for a copy of a private transcript shall be One Dollar (\$1.00).
- (5) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private Practice.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
- (a) The reasonable market rate for the use of equipment, work space and supplies;
 - (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
 - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or

preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

(3) A court reporter shall reimburse the county for the use of equipment, work space and supplies for the preparation of all private transcripts.